

reference to a "city" to conform to Md. Constitution, Art. XI-E.

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that the meaning of this section is unclear for several reasons. The Committee is uncertain about what types of employees constitute "parole agents" because "parole agent" is not a defined term in this subtitle. The Committee is uncertain about how a parole agent becomes "duly qualified" because there was no indication in former Art. 41, § 4-606 as to the meaning of this term. Finally, the Committee is uncertain about the meaning of "visitorial powers". In other contexts, similar terms have been interpreted in an extremely broad manner. See, e.g., Wilson v. Board of Education, 234 Md. 561, 565 (1963) (stating that the State Board of Education has "a visitatorial power of the most comprehensive character"). The General Assembly may wish to clarify the meaning of this section. See also § 7-205(c) of this article and accompanying Revisor's Note.

Defined terms: "Correctional facility" § 1-101

"County" § 1-101

"Division" § 6-101

"Inmate" § 1-101

6-111. SUSPENDED SENTENCE; SUPERVISION.

IF A COURT SUSPENDS THE SENTENCE OF AN INDIVIDUAL CONVICTED OF A CRIME AND ORDERS THE INDIVIDUAL TO CONTINUE UNDER THE SUPERVISION OF THE DIVISION FOR A SPECIFIED TIME OR UNTIL ORDERED OTHERWISE, THE DIVISION SHALL:

- (1) SUPERVISE THE CONDUCT OF THE INDIVIDUAL;
- (2) DETERMINE WHETHER THE INDIVIDUAL IS COMPLYING WITH THE CONDITIONS OF PROBATION OR SUSPENSION OF SENTENCE; AND
- (3) REPORT TO THE COURT ON THE INDIVIDUAL'S COMPLIANCE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-609(a).

Throughout this section, the references to an "individual" are substituted for the former references to a "person" because only a human being, and not the other entities included in the defined term "person", can be supervised by the Division. See § 1-101 of this article for the definition of "person".

In the introductory language of this section, the reference to "orders" is substituted for the former reference to "direct" for consistency within this section.

Also in the introductory language of this section, the former reference to the Division taking the specified action "when so requested by said court" is deleted as unnecessary in light of the requirement that the Division take